

32B-9-101. Title.

This chapter is known as the "Event Permit Act."

Enacted by Chapter 276, 2010 General Session

32B-9-102. Definitions.

As used in this chapter:

(1) "Single event permit" means an event permit issued in accordance with Part 3, Single Event Permit.

(2) "Temporary beer event permit" means an event permit issued in accordance with Part 4, Temporary Beer Event Permit.

Enacted by Chapter 276, 2010 General Session

32B-9-201. Application requirements for event permit.

- (1) To obtain an event permit, a person shall submit to the department:
- (a) a written application in a form that the department prescribes;
 - (b) an event permit fee:
 - (i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and
 - (ii) that is refundable if an event permit is not issued;
 - (c) written consent of the local authority;
 - (d) a bond as specified by Section 32B-9-203;
 - (e) the times, dates, location, estimated attendance, nature, and purpose of the event;
 - (f) a description or floor plan designating:
 - (i) the area in which the person proposes that an alcoholic product be stored;
 - (ii) the site from which the person proposes that an alcoholic product be sold, offered for sale, or furnished; and
 - (iii) the area in which the person proposes that an alcoholic product be allowed to be consumed;
 - (g) a signed consent form stating that the event permittee will permit any authorized representative of the commission, department, or any law enforcement officer to have unrestricted right to enter the premises during the event;
 - (h) if the person is an entity, proper verification evidencing that a person who signs the application is authorized to sign on behalf of the entity; and
 - (i) any other information as the commission or department may require.
- (2) An entity applying for a permit need not meet the requirements of Subsections (1)(b), (c), and (d) if the entity is:
- (a) a state agency; or
 - (b) a political subdivision of the state.
- (3) The director may not issue an event permit to a person who is disqualified under Section 32B-1-304.
- (4) (a) The proximity requirements of Section 32B-1-202 do not apply to an event permit.
- (b) Notwithstanding Subsection (4)(a), nothing in this section prevents the

director, the Compliance, Licensing, and Enforcement Subcommittee, or the commission from considering the proximity of an educational, religious, or recreational facility, or any other relevant factor in deciding whether to issue an event permit.

Amended by Chapter 365, 2012 General Session

32B-9-202. Duties before issuing event permit.

(1) (a) Before the director may issue an event permit, the department shall conduct an investigation and may hold public hearings to gather information and make recommendations to the director as to whether the director should issue an event permit.

(b) The department shall forward the information and recommendations described in Subsection (1)(a) to the director and the Compliance, Licensing, and Enforcement Subcommittee to aid in the determination.

(2) Before issuing an event permit, the director shall:

(a) determine that the person filed a complete application and is in compliance with:

(i) Section 32B-9-201; and

(ii) the relevant part under this chapter for the type of event permit for which the person is applying;

(b) determine that the person is not disqualified under Section 32B-1-304;

(c) consider the purpose of the organization or its local lodge, chapter, or other local unit;

(d) consider the times, dates, location, estimated attendance, nature, and purpose of the event;

(e) to minimize the risk of minors being sold or furnished alcohol or adults being overserved alcohol at the event, assess the adequacy of control measures for:

(i) a large-scale public event when the estimated attendance is in excess of 1,000 people; or

(ii) an outdoor public event;

(f) obtain the approval of the Compliance, Licensing, and Enforcement Subcommittee before issuing an event permit;

(g) notify each commissioner at least three business days before the director issues the event permit in accordance with Subsection (3); and

(h) consider any other factor the director considers necessary.

(3) (a) The director shall inform each commissioner of the director's preliminary decision to issue or deny the issuance of an event permit three business days before the decision is to be final.

(b) The preliminary decision becomes a final decision of the director:

(i) unless within three business days of receipt of the notice at least three of the commissioners request a meeting to discuss whether the event permit should be issued; or

(ii) the director modifies or revokes the preliminary decision to issue or deny issuance of the event permit.

(c) If three or more of the commissioners request a meeting, the applicant for the event permit shall be notified and the commission:

(i) shall hold a meeting on the application for an event permit no later than the next regularly scheduled meeting of the commission; and

(ii) may issue or deny issuance of the event permit if the applicant meets the requirements of this chapter.

(d) Notwithstanding the other provisions of this Subsection (3), the director may at any time refer an application for an event permit directly to the commission for a determination as to whether an event permit should be issued or denied.

(e) For purposes of this title, an event permit issued by the commission is to be treated the same as an event permit issued by the director.

(f) If the commission finds that an event permit was improperly issued or that the permittee has violated this chapter, the commission may take any action permitted under this title.

(4) Once the director issues an event permit, the department shall send a copy of the approved application and the event permit by written or electronic means to the state and local law enforcement authorities at least three days before the event.

(5) The director shall provide the commission a monthly report of the actions taken by the director under this part.

(6) If authorized by the director, the deputy director may act on behalf of the director for purposes of issuing an event permit under this chapter.

Amended by Chapter 365, 2012 General Session

32B-9-203. Bond for event permit.

(1) (a) A person applying for an event permit shall post a cash bond or surety bond:

(i) in the amount specified in the relevant part under this chapter for the type of event permit for which the person is applying; and

(ii) payable to the department.

(b) An event permittee shall procure and maintain a bond required under this section for as long as the event permit is in effect.

(2) A bond posted by an event permittee under this section shall be:

(a) in a form approved by the attorney general; and

(b) conditioned upon the event permittee's faithful compliance with this title and the rules of the commission.

(3) No part of a bond posted by an event permittee under this section may be withdrawn during the period the event permit is in effect.

(4) (a) A bond posted by an event permittee under this section may be forfeited if the event permit is revoked.

(b) Notwithstanding Subsection (4)(a), the department may make a claim against a bond posted by an event permittee for money owed the department under this title without the commission first revoking the event permit.

Enacted by Chapter 276, 2010 General Session

32B-9-204. General operational requirements for an event permit.

(1) (a) An event permittee and a person involved in the storage, sale, offer for

sale, or furnishing of an alcoholic product at an event for which an event permit is issued, shall comply with this title and rules of the commission.

(b) Failure to comply as provided in Subsection (1)(a):

(i) may result in:

(A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(I) an event permittee;

(II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or

(III) any combination of the persons listed in this Subsection (1)(b);

(B) immediate revocation of the event permit;

(C) forfeiture of a bond; or

(D) immediate seizure of an alcoholic product present at the event; and

(ii) if the event permit is revoked, disqualifies the event permittee from applying for an event permit for a period of three years from the date of revocation of the event permit.

(c) An alcoholic product seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.

(2) (a) If there is a conflict between this part and the relevant part under this chapter for the specific type of special use permit held by the special use permittee, the relevant part governs.

(b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an event permittee may only sell, offer for sale, or furnish an alcoholic product specified in the relevant part under this chapter for the type of event permit that is held by the event permittee.

(c) Notwithstanding that this part or the relevant part under this chapter for the type of event permit held by an event permittee refers to "event permittee," a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event for which the event permit is issued is subject to the same requirement or prohibition.

(3) An event permittee shall display a copy of the event permit in a prominent place in the area in which an alcoholic product is sold, offered for sale, furnished, and consumed.

(4) An event permittee may not on the premises of the event:

(a) engage in or allow any form of gambling, as defined and proscribed in Title 76, Chapter 10, Part 11, Gambling;

(b) have any video gaming device, as defined and proscribed by Title 76, Chapter 10, Part 11, Gambling; or

(c) engage in or permit a contest, game, gaming scheme, or gaming device that requires the risking of something of value for a return or for an outcome when the return or outcome is based upon an element of chance, excluding the playing of an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(5) An event permittee may not knowingly allow a person at an event to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah

Drug Paraphernalia Act:

(a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2; or

(b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in Section 58-37a-3.

(6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases from:

(a) a beer wholesaler licensee;

(b) a beer retailer; or

(c) a small brewer.

(7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption of an alcoholic product purchased for an event in a location other than that described in the application and designated on the event permit unless the event permittee first applies for and receives approval from the director, with the approval of the Compliance, Licensing, and Enforcement Subcommittee, for a change of location.

(8) (a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish beer for on-premise consumption:

(i) in an open original container; and

(ii) in a container on draft.

(b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to Subsection (8)(a):

(i) in a size of container that exceeds two liters; or

(ii) to an individual patron in a size of container that exceeds one liter.

(9) (a) An event permittee may not sell or offer for sale an alcoholic product at less than the cost of the alcoholic product to the event permittee.

(b) An event permittee may not sell an alcoholic product at a discount price on any date or at any time.

(c) An event permittee may not sell or offer for sale an alcoholic product at a price that encourages over consumption or intoxication.

(d) An event permittee may not sell or offer for sale an alcoholic product at a special or reduced price for only certain hours of the day of an event.

(e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic product at the price of a single alcoholic product.

(f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic product under an event permit, may not sell, offer for sale, or furnish an indefinite or unlimited number of alcoholic products during a set period for a fixed price, unless:

(i) the alcoholic product is served to a patron at a seated event;

(ii) food is available whenever the alcoholic product is sold, offered for sale, or furnished; and

(iii) no person advertises that at the event a person may be sold or furnished an indefinite or unlimited number of alcoholic products during a set period for a fixed price.

(g) An event permittee may not engage in a public promotion involving or offering a free alcoholic product to the general public.

(10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:

- (a) a minor;
- (b) a person actually, apparently, or obviously intoxicated;
- (c) a known interdicted person; or
- (d) a known habitual drunkard.

(11) (a) An alcoholic product is considered under the control of the event permittee during an event.

(b) A patron at an event may not bring an alcoholic product onto the premises of the event.

(12) An event permittee may not permit a patron to carry from the premises an open container that:

- (a) is used primarily for drinking purposes; and
- (b) contains an alcoholic product.

(13) (a) A person involved in the storage, sale, or furnishing of an alcoholic product at an event is considered under the supervision and direction of the event permittee.

(b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at an event may not, while on duty:

- (i) consume an alcoholic product; or
- (ii) be intoxicated.

(14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.

(15) The location specified in an event permit may not be changed without prior written approval of the commission.

(16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in any way to dispose of the event permit to another person whether for monetary gain or not.

(17) (a) An event permittee may not sell, offer for sale, furnish, or allow the consumption of an alcoholic product during a period that:

- (i) begins at 1 a.m.; and
- (ii) ends at 9:59 a.m.

(b) This Subsection (17) does not preclude a local authority from being more restrictive with respect to the hours of sale, offer for sale, furnishing, or consumption of an alcoholic product at an event.

(18) A patron may have no more than one alcoholic product of any kind at a time before the patron.

(19) (a) An event permittee shall display, in a prominent place, a sign in large letters that consists of text in the following order:

- (i) a header that reads: "WARNING";
- (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
- (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
- (iv) a header that reads: "WARNING"; and
- (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."

(b) (i) The text described in Subsections (19)(a)(i) through (iii) shall be in a

different font style than the text described in Subsections (19)(a)(iv) and (v).

(ii) The warning statements in the sign described in Subsection (19)(a) shall be in the same font size.

(c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this section.

Amended by Chapter 365, 2012 General Session

32B-9-301. Title.

This part is known as "Single Event Permit."

Enacted by Chapter 276, 2010 General Session

32B-9-302. Definitions.

As used in this part:

(1) "120 hour single event permit" means a single event permit that authorizes under this part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not to exceed 120 consecutive hours.

(2) "72 hour single event permit" means a single event permit that authorizes under this part the storage, sale, offering for sale, furnishing, and consumption of liquor for a period not to exceed 72 consecutive hours.

(3) "Single event permit" means:

(a) a 120 hour single event permit; and

(b) a 72 hour single event permit.

Amended by Chapter 307, 2011 General Session

32B-9-303. Director's power to issue single event permit.

(1) Before a person may sell, offer for sale, or furnish liquor at retail for on-premise consumption at an event, the person shall first obtain a single event permit from the director in accordance with this part.

(2) (a) Subject to Subsection (5), the director may issue a single event permit to any of the following that is conducting a convention, civic, or community enterprise, a bona fide:

(i) partnership;

(ii) corporation;

(iii) limited liability company;

(iv) religious organization;

(v) political organization;

(vi) incorporated association;

(vii) recognized subordinate lodge, chapter, or other local unit of an entity described in this Subsection (2)(a);

(viii) state agency; or

(ix) political subdivision of the state.

(b) The director may not issue a single event permit to an entity that has not been in existence as a bona fide entity for at least one year before the day on which the

entity applies for a single event permit.

(3) (a) A single event permit may authorize:

(i) the storage, sale, offering for sale, furnishing, and consumption of liquor at an event at which the storage, sale, offering for sale, furnishing, or consumption of liquor is otherwise prohibited by this title under either:

(A) a 120 hour single event permit; or

(B) a 72 hour single event permit; and

(ii) the storage, sale, offer for sale, furnishing, and consumption of beer at the same event for the period that the storage, sale, offer for sale, furnishing, or consumption of liquor is authorized under Subsection (3)(a)(i) for the single event permit.

(b) The single event permit shall state in writing whether it is:

(i) a 120 hour single event permit; or

(ii) a 72 hour single event permit.

(4) The director may not issue more than:

(a) four single event permits in any one calendar year to the same person listed in Subsection (2) if one or more of the single event permits is a 120 hour single event permit; or

(b) 12 single event permits in any one calendar year to the same person listed in Subsection (2) if each of the single event permits issued to that person is a 72 hour single event permit.

(5) Before the director issues or denies the issuance of a single event permit under this section, the director shall comply with Section 32B-9-202.

Amended by Chapter 365, 2012 General Session

32B-9-304. Specific permitting requirements for single event permit.

(1) To obtain a single event permit, in addition to complying with Part 2, Event Permitting General Provisions, an entity described in Subsection 32B-9-303(2)(a) shall state in its written application:

(a) the purpose of the entity described in Subsection 32B-9-303(2)(a);

(b) the time period under Subsection 32B-9-303(3)(a)(i)(A) or (B) for which the entity is applying; and

(c) if submitting the first request for a single event permit in a calendar year, whether it is requesting to be under Subsection 32B-9-303(4)(a) or (b).

(2) The application fee for a single event permit is \$125.

(3) The bond amount required for a single event permit is the penal sum of \$1,000.

Amended by Chapter 334, 2011 General Session

32B-9-305. Specific operational requirements for single event permit.

(1) (a) In addition to complying with Section 32B-9-204, a single event permittee or a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a):

- (i) may result in:
 - (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
 - (I) a single event permittee;
 - (II) a person involved in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event; or
 - (III) any combination of persons listed in this Subsection (1)(b);
 - (B) immediate revocation of the single event permit;
 - (C) forfeiture of a bond; or
 - (D) immediate seizure of an alcoholic product present at the event; and
- (ii) if the single event permit is revoked, disqualifies the single event permittee from applying for a single event permit or temporary beer event permit for a period of three years from the date of revocation of the single event permit.
- (c) An alcoholic product seized under this Subsection (1) shall be returned to the single event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.
- (2) (a) A single event permittee shall make and maintain an expense and revenue ledger or record showing:
 - (i) expenditures made for:
 - (A) liquor;
 - (B) beer;
 - (C) set-ups; and
 - (D) an ingredient or component of an alcoholic product other than a set-up; and
 - (ii) the revenue from the sale of an alcoholic product.
- (b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (2).
- (3) A single event permittee shall purchase liquor stored, sold, offered for sale, furnished, or consumed at an event from a state store or package agency.
- (4) (a) A single event permittee may not sell, offer for sale, or furnish a primary spirituous liquor in a quantity that exceeds 1.5 ounces per beverage, except that additional spirituous liquor may be used in a beverage if:
 - (i) used as a secondary flavoring ingredient;
 - (ii) used in conjunction with the primary spirituous liquor;
 - (iii) the secondary ingredient is not the only spirituous liquor in the beverage;and
 - (iv) subject to Subsection 32B-9-204(18):
 - (A) a patron has no more than 2.5 ounces of spirituous liquor at a time before the patron; and
 - (B) a patron has no more than one spirituous liquor drink at a time before the patron.
- (b) Spirituous liquor need not be dispensed through a calibrated metered dispensing system.
- (5) (a) A single event permittee may sell, offer for sale, or furnish wine by the glass or an individual portion, except that a glass or individual portion may not exceed five ounces.
- (b) A single event permittee may furnish an individual portion served to a patron

in more than one glass if the total amount of wine does not exceed five ounces.

(c) An individual portion of wine is considered to be one alcoholic product under Subsection 32B-9-204(18).

(d) A single event permittee may sell, offer for sale, or furnish wine in a container not exceeding 1.5 liters at a price fixed by the commission.

(6) A single event permittee may sell, offer for sale, or furnish heavy beer in an original container at a price fixed by the commission, except that the original container may not exceed one liter.

(7) A single event permittee may sell, offer for sale, or furnish a flavored malt beverage in an original container at a price fixed by the commission, except that the original container may not exceed one liter.

(8) A single event permittee may sell liquor only at a price fixed by the commission.

(9) A single event permittee may perform a service and assess a service charge as authorized by commission rule for liquor purchased at an event.

Amended by Chapter 307, 2011 General Session

Amended by Chapter 334, 2011 General Session

32B-9-401. Title.

This part is known as "Temporary Beer Event Permit."

Enacted by Chapter 276, 2010 General Session

32B-9-402. Definitions.

Reserved

Enacted by Chapter 276, 2010 General Session

32B-9-403. Director's power to issue temporary beer event permit.

(1) Before a person may sell, offer for sale, or furnish beer at retail for on-premise consumption at an event, the person shall obtain in accordance with this part:

(a) a single event permit; or

(b) (i) a temporary beer event permit; and

(ii) (A) a beer permit issued by the local authority as provided in Section 32B-9-404; or

(B) written consent of the local authority to sell beer at retail for on-premise consumption at the event.

(2) (a) Subject to Subsection (4), the director may issue a temporary beer event permit to allow the sale, offering for sale, or furnishing of beer for on-premise consumption only at an event that does not last longer than 30 days.

(b) A temporary beer event permit authorizes, for a period not to exceed 30 days, the storage, sale, offer for sale, furnishing, and consumption of beer at an event.

(c) If a person obtains a temporary beer event permit for an event that lasts no longer than 30 days, an on-premise beer retailer license is not required for the sale of

beer at the event.

(3) (a) The director may not issue a temporary beer event permit to a person if the aggregate of the days that the person is authorized to store, sell, offer for sale, or furnish an alcoholic product under a temporary beer event permit will exceed a total of 90 days in any one calendar year.

(b) The director may not issue, and a person may not obtain, a temporary beer event permit to avoid or attempt to avoid the requirement to be licensed under Chapter 6, Part 7, On-premise Beer Retailer License.

(4) Before the director issues or denies the issuance of a temporary beer event permit under this section, the director shall comply with Section 32B-9-202.

Amended by Chapter 365, 2012 General Session

32B-9-404. Local authority's power to issue temporary beer event permit.

(1) A local authority may issue, suspend, and revoke a temporary permit to sell, offer for sale, or furnish beer for on-premise consumption at an event, except that the local authority may not issue a temporary permit if the event lasts longer than 30 days.

(2) Suspension or revocation of a temporary beer event permit issued under Section 32B-9-403 or a temporary permit issued by a local authority under this section prohibits the temporary beer event permittee who has a permit suspended or revoked by either the commission or local authority from continuing to operate under the other state or local permit.

Amended by Chapter 365, 2012 General Session

32B-9-405. Specific permitting requirements for temporary beer event permit issued by commission.

(1) To obtain a temporary beer event permit, in addition to complying with Part 2, Event Permitting General Provisions, a person shall state in the person's written application the purpose of the event for which the person seeks a temporary beer event permit.

(2) The application fee for a beer permit is \$100.

(3) The bond amount required for a beer permit is the penal sum of \$500.

Amended by Chapter 334, 2011 General Session

32B-9-406. Specific operational requirements for temporary beer event permit.

(1) (a) In addition to complying with the requirements of Section 32B-9-204, a temporary beer event permittee or a person involved in the storage, sale, offer for sale, or furnishing of beer at the event shall comply with this section.

(b) Failure to comply as provided in Subsection (1)(a):

(i) may result in:

(A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:

(l) a temporary beer event permittee;

(II) a person involved in the storage, sale, offer for sale, or furnishing of beer at the event; or

(III) any combination of persons listed in this Subsection (1)(b);

(B) immediate revocation of the temporary beer event permit;

(C) forfeiture of a bond; or

(D) immediate seizure of beer present at the event; and

(ii) if the temporary beer event permit is revoked, disqualifies the temporary beer event permittee from applying for a temporary beer event permit or single event permit for a period of three years from the date of revocation of the temporary beer event permit.

(c) Beer seized under this Subsection (1) shall be returned to the event permittee after an event if forfeiture proceedings are not instituted under Section 32B-4-206.

(2) A temporary beer event permittee may not sell, offer for sale, or furnish an alcoholic product other than beer pursuant to a temporary beer event permit.

(3) (a) A temporary beer event permittee shall make and maintain an expense and revenue ledger or record showing:

(i) expenditures made for beer; and

(ii) the revenue from sale of beer.

(b) Section 32B-1-205 applies to a record required to be made or maintained in accordance with this Subsection (3).

Enacted by Chapter 276, 2010 General Session